

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
July 10, 2008 Meeting Minutes
Place: MDOT Auditorium

Commission Members Present:

MS Department of Corrections
MS Department of Information Technology Services
MS Department of Transportation
MS Dept of Public Safety
MS Dept of Public Safety
MS Department of Environmental Quality
MS Department of Homeland Security
MS Supervisors Association
MS National Guard
MS Emergency Management Agency
MS Police Chiefs' Association
MS Fire Chiefs' Association
MS Municipal League
MS Sheriffs' Association
Safe City Initiative

Chris Epps
David Litchliter
Willie Huff
Michael Berthay
Stephen Simpson
Keith Harkins
Jay Ledbetter
Joel Yelverton
William Freeman
Mike Womack
Tommy Moffett
Tom Lariviere
Knox Ross
Tim Perkins
Mark McCreery

Advisory Members Present:

Senator Nolan Mettetal

Chairman Chris Epps called the meeting to order at 1:31 PM and welcomed guests in attendance. Chairman Epps recognized Debora Courtright, Motorola Vice President of Sales and Service; Advisory Board member Senator Nolan Mettetal; and new committee members Tim Perkins, President of the MS Sheriffs' Association; and Mayor Knox Ross Jr., President of the MS Municipal League.

Chairman Epps called for a motion to approve the minutes of the last meeting. Major General Freeman made the motion, and it was seconded by Stephen Simpson. The motion passed with none opposed.

Joel Yelverton reported for the Procurement Review Committee. Two requests were submitted for approval. The first request was from Wildlife Fisheries and Parks (WFP), who acquired a satellite radio system for use in 350 statewide law enforcement vehicles five years ago. WFP desires to issue a new RFP to determine what other competitive options and technology may be available to replace their current system. To allow adequate time to complete the RFP process with ITS, WFP requests approval to extend existing radio services for 3 months with an option to extend for 3 additional months, in one month increments, at a cost not to exceed \$78,000 for six months of service. The Procurement Review Committee approved the request. The second request was from Harrison County Sheriff's Department, which currently utilizes the county-wide M/A-Com EDACS 800 MHz radio system provided by the Harrison County Emergency Communications Commission. This radio system provides communications for all of the county and municipal public safety first responders in Harrison County. They are requesting approval to replace 65 portable radios with new dual mode 700/800 MHz P25 compliant radios at a cost of \$294,960. The requested radios will provide direct interoperability with the MSWIN system. Mr. Yelverton reminded the Commission of similar approvals for Gulfport and Biloxi in previous meetings. Mr. Yelverton made the motion to approve the request. The motion was seconded by Chief Tommy Moffett, and it passed with none opposed.

Mr. Yelverton stated that the APA filing requirements for the revised WCC Purchasing Guidelines and Procedures have been fulfilled and that the new rules are in effect.

Willie Huff reported for the Governance Committee. Mr. Huff introduced Mr. Mike Murphy from Gulf States Regional Center for Public Safety Innovations (GSRCPsi). Mr. Murphy has been on the Louisiana SIEC for the last 2 years. He explained that Louisiana, like many other states, is currently restructuring and reorganizing their SIEC. Louisiana's new Homeland Security Director just appointed Grant Mitchell as Deputy Director for Interoperability on July 1. One of Louisiana's goals includes attempting to break down the communication and system borders encountered during Katrina. Although Mr. Murphy works for Chief Jeffery LaDuff, he has been loaned to this entity to work on interoperability. Chief Moffett is on the Board of Directors for GSRCPsi and is assisting in their efforts. In February of 2007, the GSRCPsi hosted Gulf States Regional Technology Summit in Baton Rouge, which was attended by 400 people involved in communications from three states. The summit's goal was focused on developing agreements across states to facilitate joining systems together and working together. As part of that initiative, each state was able to receive 5% additional funding on their Homeland Security Grant. GSRCPsi plans to host a more focused technology summit and workshop September 30 through October 1, 2008, tentatively in the Gulf Shores area. GSRCPsi wants to bring together the members of the Mississippi Wireless Communication Commission, members of the Alabama and Louisiana SIEC Committees, and key communications people from these states. Mr. Murphy indicated that he will work with Mr. Huff on more specific details about the summit. He commented that our P25 initiative is making progress which will encourage and allow more interoperability between our states.

Mr. Huff continued his report for the Governance Committee. The Committee has had conversations with Lee County about the possibility of their joining the MSWIN system. Lee County has a worn out radio system that needs to be replaced, and the county wants to know their options for replacing the system. Since new tower sites will be needed, Lee County desires to advertise for construction bids on those tower sites with the caveat that they would come back to the WCC for approval of the plan and the cost of tower sites. To prevent disseminating cost information to potential bidders, Lee County preferred not to request approval of a not-to-exceed amount in the meeting today. Instead, they are requesting permission to advertise for 5 tower sites to speed up the acquisition process. Since the MSWIN design requires a tower site near one of the new tower sites identified by Lee County, the Governance Committee recommends that Lee County pursue building 4 tower sites and that the 5th tower site be constructed as part of the MSWIN system in a location that would not compromise Lee County or MSWIN's design. Lee County could then colocate their equipment on the MSWIN tower site. Mr. Huff made a motion to approve this approach. Jay Ledbetter seconded the motion. Chairman Epps stated that Ron Witte, Chairman of Lee County Communications, sent David Litchlitter a letter requesting permission to go out to bid for communications towers. The motion passed with none opposed.

Mr. Huff explained that the Governance Committee met last week and several more meetings will be required to work through issues and to develop policies regulating how locals will join the system. The Governance Committee talked to several counties to determine local interest and intent. Based on those conversations, it appears that several locals are interested in joining the MSWIN system as soon as possible. Before policies and procedures can be drafted and brought before the Commission, consensus among the Committee must be reached on the issues.

Based on Mike Womack's participation in one of the Committee meetings, he agreed that the issues needed to be resolved at the Committee level rather than in a Commission meeting. While much was accomplished in the Committee meeting last week, only three or four representatives were in attendance. Mr. Womack stressed the importance of participation by the appointees or their designees, while recognizing that everyone is extremely busy. He asked that Committee members, those appointed by statute, make every effort to attend the meetings. If that is not possible, a representative with authority to speak on the appointee's behalf who is up to speed on Wireless Communications business should attend. Mr. Womack indicated that it was very difficult during decision-making sessions to re-educate those who are not up to speed.

Bill Roach gave an update on the MSWIN project. The project is still ahead of schedule. Five towers are currently standing and lit. Three equipment shelters have been installed, one is being installed today, and another one is being installed either tomorrow or Monday. Installation of the 700 MHz RF equipment in the equipment shelters begins next week. Installation of microwave and RF antennas are scheduled to start July 28. Progress continues to be made on Phase 1a, the lower MS area. Construction has begun on the next 5 sites, with construction being staged in groups of 5. There are 18 sites in Phase 1a. The current schedule anticipates having all Phase 1a tower foundations complete by the end of August. Construction work will continue on the rest of the sites during the month of August. Site acquisition and due diligence on the second part of Phase 1 are still in progress and acquisition has begun on Phase 2 and 3 sites. Motorola has been asked to continue their site lock efforts throughout the rest of the State, as this is a very time consuming effort. Mr. Huff and Mr. Roach showed slides of various MSWIN equipment and construction efforts.

Mr. Roach indicated that in the May 2008 Executive Session of the Commission meeting, a motion was approved to advertise for a Technical Consultant to augment the state MSWIN project team. ITS issued the bid and received 2 responses: one from Bill Buffington and one from Southern Diversified Technologies. ITS evaluated bids, and Mr. Buffington was awarded as lowest and best. He had considerably more experience and was 25% less per hour than the Southern Diversified Technologies candidate. Mr. Roach, on behalf of the WCC staff and in conjunction with ITS, recommends contract approval for Mr. Buffington to provide technical advisor services to the Commission. Mr. Yelverton made a motion to approve the contract award. Mr. Moffett seconded the motion, and it carried with none opposed.

Mr. Litchliter handed out a report on the monthly expenditures. Total expenses for June were \$1,788,479.75 and income from interest was \$47,129.51. The report indicated a cumulative revenue total of \$17,845,442.83, cumulative expenses total of \$10,599,573.10, and a remaining balance of \$7 million. While the account has made \$900,000 in interest, Mr. Litchliter was not sure what the regulations dictate on how interest can be spent. With next month's upcoming expenses for Motorola milestone payments, technical consulting services, and attorney fees, the remaining balance will be approximately \$2 million. The project is rapidly approaching the need for grant funds or bond money. Mr. Litchliter explained that these expenditures are milestone payments and are not change orders. Major General Freeman made a motion to approve payment of the June expenses. Michael Berthay seconded the motion, and it carried with none opposed. Mr. Litchliter wanted to make the WCC aware that all invoices are scrutinized very closely and the contract is closely managed on the state side as well as the Motorola side. He encouraged anyone who had questions about any expenditure to let him know.

Mr. Litchliter continued by explaining that for the last two years the Legislative Budget Office (LBO) has asked ITS to prepare the WCC budget. Last year, the WCC budget was part of the

ITS budget. In last year's WCC budget, ITS requested a lump sum of \$50 million, approval for positions, and the ability to escalate those positions as money above the \$50 million becomes available via federal funding. The request for lump sum and escalation provides the maximum flexibility. If MSWIN gets funding and the project stays on pace, expenditures will exceed \$50 million in Fiscal Year 2009. Mr. Litchlitter recommended that the WCC portion of the ITS budget for FY2010 be submitted as it was in the previous year. A motion was made by Keith Harkins to submit the WCC budget as described. Tom Lariviere seconded the motion, and the motion carried with none opposed. Mr. Huff asked if \$50 million was enough to keep the project going. Mr. Litchlitter explained that it could be escalated beyond that amount if additional funding is received.

Chairman Epps began discussion of the proposed WCC Rules and Regulations. He thanked those who provided feedback. If the rules and regulations are adopted, they will go through the APA process, just like the procurement rules did. Chairman Epps outlined the need for rules and regulations to be adopted and discussed issues raised during the Commission's review of the document.

Feedback was received from the WCC Advisory Board and WCC members about WCC employees moving from MDOT to MEMA. Chairman Epps gave an overview of why he is recommending this move. The primary function of the WCC is to ensure comprehensive communication services are available in times of public emergency. MEMA is the state agency charged with comprehensive and statewide management of emergency services including emergency communications. Additionally, the Governor has executive authority to manage the response to public emergency. No other elected official in this state under state law 33-15-11 has that authority. Chairman Epps discussed this with Representative Ellis and he understood why this recommendation is being made, but wants the location to be revisited once the new ITS building is complete.

Questions were received on why ITS can appoint a position on the personnel committee. Commissioner Epps stated that he believes ITS should appoint a slot on the Commission because of their current responsibility for the WCC budget and for providing technical assistance.

The Bond Commission has authorized the sale of \$10 million in bonds contingent upon the WCC adopting the rules and regulations as proposed in June and July meetings. The WCC Rules and Regulations must be adopted prior to the August Bond Commission meeting so that bonds can be sold in September. Chairman Epps signed a letter that Mr. Litchlitter prepared for the Bond Commission asking for \$10 million. The WCC will have about \$2 million remaining after next month's expenses are paid. Additional grant funding is being considered and pursued.

Mr. Litchlitter made a motion to approve the rules and regulations as written. Mr. Womack seconded the motion and Chairman Epps called for questions.

Mr. Huff requested that the rules and regulations reference the State Personnel Board (SPB) procedures. Mr. Womack made a motion to add "pursuant to the SPB rules and regulations" to the end of the last sentence of Section 5. Mr. Huff seconded the motion. The motion for the first amendment carried with none opposed.

Jay Ledbetter made a motion to modify the first sentence on page 1 to change the code reference from 25-73-171 to 25-53-171. The motion was seconded by Stephen Simpson. The motion for the second motion carried with none opposed.

Mr. Huff asked in reference to Section 6 Designees, if a WCC committee member opts to send a designee in his/her place can someone in the audience from the agency vote? Chairman Epps explained the purpose of this paragraph is to encourage either the appointed member or their permanent designee to be present at meetings and be knowledgeable of the issues.

Mr. Huff referred to Section 2 which states that the chairperson shall preside at all meetings of the WCC and co-sign all contracts. He asked for an explanation of the Chairman's role in co-signing contracts with Mr. Litchliter. Mr. Litchliter is contracting agent for the state, but having the signature of the WCC Chairman on contracts indicates the WCC knowledge and approval of that legal agreement.

Mr. Huff asked several questions about the rules and regulations specifying the location of the WCC staff and about the selection and status of the WCC Executive Manager. After these issues were discussed, no changes were made to the proposed rules and regulations.

Mr. Womack made a motion to adopt the rules and regulations with the approved amendments. Major General Freeman seconded the motion, and the motion carried. Chairman Epps indicated that the rules and regulations will go through APA process. Chairman Epps thanked the Commission for their approval of the rules and regulations.

Mr. Huff asked if MEMA would be charging the WCC for office space, and Chairman Epps indicated that to his knowledge they would not.

The next meeting will be August 7, 2008, in the MDOT auditorium at 1:30 PM.

Meeting adjourned at approximately 2:45 PM.